

Monday, March 29, 2021

Dequindra A. Ligon  
208 Church Street  
New Iberia, Louisiana 70563

**Re: Louisiana Board of Ethics  
Docket No. 2021-063**

Dear Ms. Ligon:

The Louisiana Board of Ethics ("Board"), at its April 9, 2021 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics ("Code") would prohibit you from opening a private driving school in New Iberia, Louisiana while you are the Assistant Principal at Breaux Bridge High School in St. Martin Parish.

**FACTS PROVIDED**

You are the Assistant Principal at Breaux Bridge High School in St. Martin Parish. You are considering opening a private driving school in New Iberia, Louisiana where you reside. It is possible that students from your school, Breaux Bridge High School, other schools in St. Martin Parish, and the surrounding areas may enroll and attend your driving school. St. Martin, St. Mary, and Iberia Parish School Boards do not sponsor a drivers' education program. Your duties as Assistant Principal include:

1. Serving as an instructional leader and supervisor of custodial staff;
2. Monitoring/supervising the implementation of professional development in the classrooms/meetings in accordance to the school improvement plan and the St. Martin Parish School Board,
3. Working with the Principal to plan professional development,
4. Assigning and directing work, interviewing, evaluating performance, administering discipline, and resolving issues amongst teacher/ staff; and,
5. Addressing building management concerns by working closely with the custodial staff by implementing school-wide safety and emergency protocols.

## LAW

**La. R.S. 42:1111(C)(1)(a)** prohibits a public servant from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

**La. R.S. 42:1111(C)(2)(d)** provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are: (d) Neither performed for nor compensated by any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency; conducts operations or activities which are regulated by the public employee's agency; or has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

**La. R.S. 42:1116** provides that no public servant shall use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person or other public servant to provide himself, or other person with anything of economic value.

## CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, the Code would not prohibit you from providing private driver education courses through the private driving school that you plan to establish. The provision of private driver education courses would not be prohibited under La. R.S. 42:1111(C)(1)(a) because you would not be "receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated." Additionally, the provision of private driver education courses would not be prohibited under La. R.S. 42:1111(C)(2)(d) because you do not teach any classes at Breaux Bridge High School in St. Martin Parish. Accordingly, students at Breaux Bridge High School would not be prohibited sources. The Board further instructed me to caution you against a potential violation of La. R.S. 42:1116. Take care of any appearance of compelling or coercion.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,  
**LOUISIANA BOARD OF ETHICS**

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LaToya D. Jordan  
For the Board

**DISCLAIMER**  
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.  
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes  
only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.